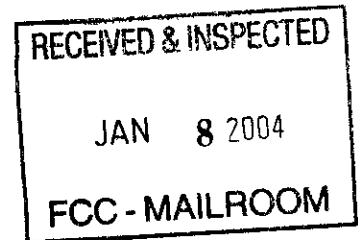


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January 6, 2004



VIA FEDERAL EXPRESS

Ms. Marlene H. Dortch, Secretary
 Federal Communications Commission
 445 12 Street, S.W., Room TW-A325
 Washington, DC 20554

Re: Siete Grande Television, Inc
 Station WSTE-DT
Ponce, Puerto Rico

Dear Ms. Dortch:

Submitted herewith on behalf of Siete Grande Television, Inc., licensee of Station WSTE-TV and permittee of Station WSTE-DT, Ponce, Puerto Rico, are an original and four copies of a Petition for Rulemaking to Amend the Table of Allotments for DTV Service to substitute channel 8 for channel 66 as WSTE-TV's DTV channel at Ponce, Puerto Rico. As is shown in the Petition and the annexed Engineering Statement, the substitution of core channel 8 for non-core channel 66 meets all requisite criteria set forth in the Commission's Rules and will facilitate the DTV transition so that the non-core channel can be made available for use by new services.

WSTE-DT was issued a construction permit to build its DTV facilities on September 30, 2003. As is shown in the Engineering Statement attached to the Petition, Siete Grande plans to co-locate its DTV facilities with its analog facilities at a new antenna site. In order to facilitate the timely construction of the DTV facilities it is respectfully requested that the Commission act expeditiously on this Petition for channel substitution.

Any questions regarding this Petition should be directed to the undersigned at the New York offices of this firm.

DSN 214876 1/SIE030-184441

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WSTE-TV
04-6

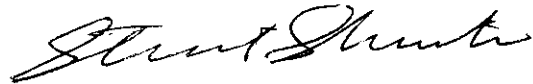
Cherry Hill, NJ ■ Harrisburg, PA ■ New York, NY ■ Norristown, PA ■ Philadelphia, PA ■ Roseland, NJ ■ Wilmington, DE

WolfBlock Government Relations Harrisburg, PA and Washington, DC
 Wolf Block, Schorr and Solis-Cohen LLP a Pennsylvania Limited Liability Partnership

Hon. Marlene H. Dortch
January 6, 2004
Page 2

Kindly acknowledge receipt of this filing by date stamping and returning the extra copy of this transmittal letter in the stamped self-addressed envelope provided herewith.

Very truly yours,

A handwritten signature in black ink, appearing to read "Stuart Shorenstein", written in a cursive style.

Stuart A. Shorenstein

cc: Nai Tam

RECEIVED & INSPECTED

JAN 8 2004

FCC - MAILROOM

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In the Matter of the)	
)	
Amendment of Section 73.622(b))	MM Docket No.
of the Commission's Rules,)	RM No.
DTV Table of Allotments)	
(Ponce, Puerto Rico))	

To: Chief, Allocations Branch.

**PETITION FOR RULEMAKING
 AND REQUEST FOR EXPEDITED ACTION**

1. Siete Grande Television, Inc ("Siete Grande") pursuant to Section 73.623 of the Commission's rules, 47 C.F.R. Section 73.623, hereby requests that the Commission institute a rulemaking proceeding for the purpose of amending the Table of Allotments for digital television service ("DTV") to change the initial DTV channel allotment for Station WSTE-TV, Ponce, Puerto Rico, from channel 66 to channel 8. In light of the fact that the Commission has set a September 30, 2004 deadline for construction of WSTE-DT's facilities, Siete Grande respectfully requests expedited action on this Petition.

2. Siete Grande is the licensee of television station WSTE-TV, Ponce, Puerto Rico, which currently operates on NTSC channel 7. WSTE-DT was allotted channel 66 in the *Second Memorandum Opinion and Order on Reconsideration of the Fifth and Sixth Report and Order*, Mass Media Docket 87-268. Channel 66, however, is outside the core television spectrum as adopted by the Commission. As a result, Siete Grande would eventually need to transition

WSTE-DT to a channel within the future core television spectrum. Such a transition would impose an unnecessary burden upon Siete Grande by requiring it to construct a second DTV facility for WSTE-DT during the DTV transition. Additionally, it would delay the availability of spectrum occupied by DTV channel 66 for use by new services. Further, the channel substitution will not affect the existing channel assignment of any other Commission licensee or permittee

3. Because a suitable channel is currently available within the future core television spectrum, Siete Grande proposes to amend the DTV Table of Allotments to substitute channel 8 in lieu of channel 66 at Ponce, Puerto Rico, for use of WSTE-DT. As demonstrated in the attached engineering exhibit prepared by Evans and Associates, the requested facilities fully comply with all aspects of the Commission's DTV rules.

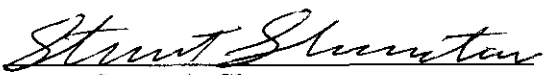
4. In this regard it is specifically observed that the proposed substitution of channel 8 for WSTE-DT fully complies with the principal community coverage requirements of Section 73.625(a) of the Commission's rules. Moreover, Siete Grande's proposal herein fully complies with the *de minimis* interference criteria of Section 73.623(c)(2) of the Commission's rules. It is anticipated that Siete Grande will co-locate channel 8's transmitter with WSTE-TV's NTSC facilities on channel 7. Siete Grande has filed a minor modification of license application (File No. BPCT-20031106AJH) to move its transmitter site to a new location it identified following notification from the landlord of its existing site that the transmitter lease is being terminated. Siete Grande plans to collocate its NTSC and DTV facilities at the new site.

5. In sum, Siete Grande's proposed substitution of channel 8 for channel 66 for WSTE-DT is fully consistent with Commission rules and will help facilitate an efficient use of

Commission spectrum. Siete Grande respectfully requests that the Commission expeditiously commence a rulemaking proceeding to amend the DTV Table of Allotments to allot and assign DTV channel 8 (in lieu of channel 66) to Ponce, Puerto Rico, for use by WSTE-DT.

Respectfully submitted,

SIETE GRANDE TELEVISION, INC.

By: 
Stuart A. Shorenstein

Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue
New York, NY 10177
Tel: 212-883-4923
Fax 212-672-1123

Dated: January 6, 2004



***Engineering Exhibit
In Support of a Petition for
Rulemaking to Amend the
DTV Table of Allotments
WSTE-DT, Ponce, Puerto Rico
Siete Grande Television, Inc.***

Introduction

This Engineering Statement and attached Exhibits have been prepared on behalf of Siete Grande Television, Inc. (herein Siete Grande), licensee of television station WSTE(TV), Ponce, Puerto Rico, in support of a petition for rulemaking to amend the DTV Table of Allotments in Section 73.622(b) of the FCC Rules. Siete Grande proposes substitution of DTV channel 8 for DTV channel 66 at Ponce, Puerto Rico. The substitution will provide WSTE-DT a channel within the core television spectrum. The requested change to the DTV Table of Allotments can be made in full conformance with the FCC Rules.

Background

WSTE, the analog station on Channel 7, presently utilizes a unique multiple-transmitter facility that consists of three licensed booster stations and one auxiliary site near Ponce. The main transmitter site, which is further north of Ponce, is currently dark. This does not cause a problem with respect to continued service on Channel 7, since the station's license requires that the main transmitter, which is capable of providing only limited service area coverage, must be turned off in order to avoid destructive interference to the multiple transmitting facilities (the auxiliary site and the three booster sites) that are necessary to achieve island-wide coverage. The multiple transmitter operation was permanently licensed in 1992 and has operated in a stable fashion since.

In the *Second Memorandum Opinion and Order On Reconsideration of the Fifth and Sixth Report and Orders* in FCC Mass Media Docket 87-268, WSTE-DT was allotted DTV channel 66. However, channel 66 is outside the core television spectrum as adopted by the FCC. As a result, WSTE-DT would eventually need to move to a channel within the future core television spectrum. This will impose an unnecessary burden on Siete Grande, since they will need to construct a second DTV facility for WSTE-DT during the DTV transition. Additionally, it will delay the availability of spectrum occupied by the DTV channel 66 facility for use by new services.

An engineering analysis performed by this engineer in accordance with §73.623 of the FCC Rules demonstrates that WSTE-DT may operate on channel 8 in conformance with the interference protection requirements contained in that rules section. WSTE would be the logical

WSTE-DT

Latitude 18-02-52 N
Longitude 066-39-16 W
ERP 50 00 kW
Channel 8
Frequency 183.0 MHz
AMSL Height 322.9 m
Elevation 255.8 m
HAAT 88.13 m
Honz Pattern Directional
Vert Pattern No
Prop Model Sec 73.313

Figure 1: Predicted Principal Community Contour - Proposed WSTE-DT, Ch. 8, Ponce PR



F(50,90) 43 dBu Contour

Scale 1 1,000,000
0 10 20 30 km

TV INTERFERENCE and SPACING ANALYSIS PROGRAM

Date: 11-26-2003 Time: 13:52:36

Record Selected for Analysis

WSTE-DT USERRECORD-01 PONCE PR US
Channel 08 ERP 50. kW HAAT 174. m RCAMSL 00323 m
Latitude 018-02-52 Longitude 0066-39-16
Status APP Zone 2 Border
Dir Antenna Make usr Model USRPAT01 Beam tilt N Ref Azimuth 0.001
Last update Cutoff date Docket
Comments
Applicant

Cell Size for Service Analysis 2.0 km/side

Distance Increments for Longley-Rice Analysis 1.00 km

Facility meets maximum height/power limits

Azimuth (Deg)	ERP (kW)	HAAT (m)	36.0 dBu F(50,90) (km)
0.0	4.205	33.0	48.0
45.0	0.720	33.0	37.4
90.0	3.125	255.1	81.3
135.0	28.879	307.9	101.2
180.0	45.125	305.0	104.8
225.0	32.000	263.4	99.9
270.0	34.443	170.5	92.7
315.0	36.981	33.0	62.7

Evaluation toward Class A Stations

No Spacing violations or contour overlap to Class A stations

Class A Evaluation Complete

SPACING VIOLATION FOUND BETWEEN STATION

WSTE-DT 08 PONCE PR USERRECORD01

and station

SHORT TO: WSTE 07 PONCE PR BPCT 19850822KN
018-09-17 0066-33-16
Req. separation => 11.0 <= 125.0 Actual separation 15.9 Short 109.1(4.9) km

SHORT TO: WSTE 07 PONCE PR BLCT 1809
018-09-17 0066-33-16
Req. separation => 11.0 <= 125.0 Actual separation 15.9 Short 109.1(4.9) km

SHORT TO: WSVI 08 CHRISTIANSTED, ST. C VI BLCT 19970514KE
017-45-21 0064-47-56
Req. separation 273.6 Actual separation 199.3 Short 74.3 km

SHORT TO: WSUR-TV 09 PONCE PR BLCT 19940823KE
018-10- 9 0066-34-36
Req. separation => 11.0 <= 125.0 Actual separation 15.8 Short 109.2(4.8) km

Proposed facility OK to FCC Monitoring Stations

Proposed facility OK toward West Virginia quite zone

Proposed facility OK toward Table Mountain

Proposed facility is beyond the Canadian coordination distance

Proposed facility is beyond the Mexican coordination distance

Proposed station is OK toward AM broadcast stations

Start of Interference Analysis

Channel	Proposed Station Call	City/State	ARN
08	WSTE-DT	PONCE PR	USERRECORD01

Stations Potentially Affected by Proposed Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
07	WSTE	PONCE PR	15.9	CP	BPCT	-19850822KN
07	WSTE	PONCE PR	0.0	APP	BPCT	-20031106AJH
07	WSTE	PONCE PR	15.9	LIC	BLCT	-1809
08	WSVI	CHRISTIANSTED, ST. C VI	198.9	LIC	BLCT	-19970514KE
09	WSUR-TV	PONCE PR	15.8	LIC	BLCT	-19940823KE

%%%

Analysis of Interference to Affected Station 1

NTSC Baseline Analysis

WSTE-DT, Ponce PR - OET 69 Interference Analysis

Channel	Call	City/State	Application Ref. No.
07	WSTE	PONCE PR	DTVPLN -NPLN0498

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
08	WSVI	CHRISTIANSTED VI	190.8	PLN	DTVPLN -NPLN0572

Results for: 7N PR PONCE DTVPLN NPLN0498 PLN

	POPULATION	AREA (sq km)
within Noise Limited Contour	3806722	47176.6
not affected by terrain losses	3605831	46291.6
lost to NTSC IX	2253	32.0
lost to additional IX by ATV	0	0.0
lost to all IX	2253	32.0

Analysis of current record

Channel	Call	City/State	Application Ref. No.
07	WSTE	PONCE PR	BPCT -19850822KN

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
08	WSVI	CHRISTIANSTED, ST. C VI	190.8	LIC	BLCT -19970514KE
08	WSTE-DT	PONCE PR	15.9	APP	USERRECORD-01

Total scenarios = 1

Result key: 1
Scenario 1 Affected station 1
Before Analysis

Results for: 7N PR PONCE BPCT 19850822KN CP

	POPULATION	AREA (sq km)
within Noise Limited Contour	3806722	47176.6
not affected by terrain losses	3605831	46291.6
lost to NTSC IX	2253	32.0
lost to additional IX by ATV	0	0.0
lost to all IX	2253	32.0

Potential Interfering Stations Included in above Scenario 1

8N VI CHRISTIANSTED, ST. C BLCT 19970514KE LIC

After Analysis

Results for: 7N PR PONCE BPCT 19850822KN CP

	POPULATION	AREA (sq km)
within Noise Limited Contour	3806722	47176.6
not affected by terrain losses	3605831	46291.6
lost to NTSC IX	2253	32.0
lost to additional IX by ATV	3607	16.0
lost to all IX	5860	48.1

Potential Interfering Stations Included in above Scenario 1

8N VI CHRISTIANSTED, ST. C BLCT 19970514KE LIC
8A PR PONCE USERRECORD01 APP

#####

Analysis of Interference to Affected Station 2

Analysis of current record

Channel	Call	City/State	Application	Ref. No.
07	WSTE	PONCE PR	BPCT	-20031106AJH

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application	Ref. No.
08	WSVI	CHRISTIANSTED, ST. C VI	198.9	LIC	BLCT	-19970514KE
08	WSTE-DT	PONCE PR	0.0	APP	USERRECORD-01	

Total scenarios = 1

Result key: 2
Scenario 1 Affected station 2
Before Analysis

Results for:	7N PR PONCE	BPCT	20031106AJH	APP
		POPULATION	AREA (sq km)	
within Noise Limited Contour		981693	10813.0	
not affected by terrain losses		711047	9541.5	
lost to NTSC IX		0	0.0	
lost to additional IX by ATV		0	0.0	
lost to all IX		0	0.0	

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for:	7N PR PONCE	BPCT	20031106AJH	APP
		POPULATION	AREA (sq km)	
within Noise Limited Contour		981693	10813.0	
not affected by terrain losses		711047	9541.5	
lost to NTSC IX		0	0.0	
lost to additional IX by ATV		17	8.0	
lost to all IX		17	8.0	

Potential Interfering Stations Included in above Scenario 1

8A PR PONCE	USERRECORD01	APP
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Analysis of Interference to Affected Station 3

Analysis of current record

Channel	Call	City/State	Application Ref. No.
07	WSTE	PONCE PR	BLCT -1809

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
08	WSVI	CHRISTIANSTED, ST. C VI	190.8	LIC	BLCT -19970514KE
08	WSTE-DT	PONCE PR	15.9	APP	USERRECORD-01

Total scenarios = 1

Result key: 3

Scenario 1 Affected station 3

Before Analysis

Results for: 7N PR PONCE	BLCT	1809	LIC
	POPULATION	AREA (sq km)	
within Noise Limited Contour	3802286	44320.2	
not affected by terrain losses	3416946	42057.3	
lost to NTSC IX	0	0.0	
lost to additional IX by ATV	0	0.0	
lost to all IX	0	0.0	

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 7N PR PONCE	BLCT	1809	LIC
	POPULATION	AREA (sq km)	
within Noise Limited Contour	3802286	44320.2	
not affected by terrain losses	3416946	42057.3	
lost to NTSC IX	0	0.0	
lost to additional IX by ATV	9133	44.1	
lost to all IX	9133	44.1	

Potential Interfering Stations Included in above Scenario 1

8A PR PONCE	USERRECORD01	APP
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Analysis of Interference to Affected Station 4

Analysis of current record

Channel	Call	City/State	Application Ref. No.
08	WSVI	CHRISTIANSTED, ST. C VI	BLCT -19970514KE

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
07	WSTE	PONCE PR	190.8	CP	BPCT -19850822KN
09	WSUR-TV	PONCE PR	193.5	LIC	BLCT -19940823KE

08 WSTE-DT PONCE PR 198.9 APP USERRECORD-01
Proposal causes no interference

#####

Analysis of Interference to Affected Station 5

NTSC Baseline Analysis

Channel	Call	City/State	Application Ref. No.
09	WSURTV	PONCE PR	DTVPLN -NPLN0621

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
08	WSVI	CHRISTIANSTED VI	193.5	PLN	DTVPLN -NPLN0572
10	WBNBTB	CHARLOTTE AMALIE VI	173.4	PLN	DTVPLN -NPLN0690

Results for: 9N PR PONCE DTVPLN NPLN0621 PLN

	POPULATION	AREA (sq km)
within Noise Limited Contour	3797636	47564.8
not affected by terrain losses	3577553	46695.9
lost to NTSC IX	31226	908.9
lost to additional IX by ATV	0	0.0
lost to all IX	31226	908.9

Analysis of current record

Channel	Call	City/State	Application Ref. No.
09	WSUR-TV	PONCE PR	BLCT -19940823KE

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
08	WSVI	CHRISTIANSTED, ST. C VI	193.5	LIC	BLCT -19970514KE
08	WSTE-DT	PONCE PR	15.8	APP	USERRECORD-01

Total scenarios = 1

Result key: 4
Scenario 1 Affected station 5
Before Analysis

Results for: 9N PR PONCE BLCT 19940823KE LIC

	POPULATION	AREA (sq km)
within Noise Limited Contour	3797636	47564.8
not affected by terrain losses	3577553	46695.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	0	0.0
lost to all IX	0	0.0

Potential Interfering Stations Included in above Scenario 1

After Analysis

Results for: 9N PR PONCE BLCT 19940823KE LIC

	POPULATION	AREA (sq km)
within Noise Limited Contour	3797636	47564.8
not affected by terrain losses	3577553	46695.9
lost to NTSC IX	0	0.0
lost to additional IX by ATV	12032	52.1
lost to all IX	12032	52.1

Potential Interfering Stations Included in above Scenario 1

8A PR PONCE USERRECORD01 APP

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Analysis of Interference to Affected Station 6

Analysis of current record

Channel	Call	City/State	Application Ref. No.
08	WSTE-DT	PONCE PR	USERRECORD-01

Stations Potentially Affecting This Station

Chan	Call	City/State	Dist(km)	Status	Application Ref. No.
07	WSTE	PONCE PR	15.9	CP	BPCT -19850822KN
08	WSVI	CHRISTIANSTED, ST. C VI	198.9	LIC	BLCT -19970514KE
09	WSUR-TV	PONCE PR	15.8	LIC	BLCT -19940823KE

Total scenarios = 1

Result key: 5
Scenario 1 Affected station 6
Before Analysis

Results for: 8A PR PONCE USERRECORD01 APP

HAAT 174.0 m, ATV ERP 50.0 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1741836	21252.3
not affected by terrain losses	1160071	19170.4
lost to NTSC IX	121467	702.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	121467	702.0

Potential Interfering Stations Included in above Scenario 1

7N PR PONCE	BPCT	19850822KN	CP
8N VI CHRISTIANSTED, ST C	BLCT	19970514KE	LIC
9N PR PONCE	BLCT	19940823KE	LIC

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FINISHED FINISHED FINISHED FINISHED FINISHED FINISHED

***Tabulation of Relative Fields
Proposed WSTE-DT Antenna Radiation Pattern
Channel 8
Ponce, Puerto Rico***

<u>Azimuth</u> <u>(°T)</u>	<u>Relative</u> <u>Field</u>	<u>Azimuth</u> <u>(°T)</u>	<u>Relative</u> <u>Field</u>
0	0.29	180	0.95
10	0.20	190	0.78
20	0.15	200	0.61
30	0.12	210	0.62
40	0.12	220	0.77
50	0.12	230	0.83
60	0.13	240	0.71
70	0.15	250	0.60
80	0.19	260	0.65
90	0.25	270	0.83
100	0.35	280	0.95
110	0.47	290	0.99
120	0.59	296	1.00
130	0.71	300	0.99
140	0.81	310	0.91
150	0.95	320	0.81
160	0.99	330	0.68
164	1.00	340	0.56
170	0.99	350	0.42